



**REPUBLIC of SAN MARINO
MARITIME AUTHORITY**

Rev. 0

MAIN CONTACT: SAN MARINO SHIP REGISTER

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San Marino Policy Letter

SMPL – 2022-MLC-004

05 October 2022

San Marino Ship Register SMSR

**Health and safety protection, accident prevention,
medical care, welfare, and social security provisions
under the Maritime Labour Convention, 2006**

TO: Recognised Organisations, Shipowners, Managers, Masters, Seafarers, SMSR partners, SMSR brokers, Surveyors, and the general public.



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Health and safety protection, accident prevention, medical care, welfare, and social security provisions under the Maritime Labour Convention, 2006

1. Introduction

This Policy Letter sets forth the Administration's requirements to ensure that seafarers' work environment on board ships promotes occupational safety and health; to protect the health of seafarers and ensure their prompt access to medical care on board ship and ashore; to ensure that seafarers are protected from the financial consequences of sickness, injury or death occurring in connection with their employment; to ensure that measures are taken with a view to providing seafarers with access to social security protection; and to ensure that seafarers working on board a ship have access to shore-based facilities and services to secure their health and well-being under the Maritime Labour Convention, 2006.

The scope of this Policy Letter is to integrate and define the provisions of applicable national regulations and international conventions as listed hereafter.

- a) Maritime Labour Convention, 2006, as amended
- b) San Marino Law n.120 of 2 August 2019
- c) San Marino Policy Letter "Implementation, Inspections, and Certification under the Maritime Labour Convention, 2006"
- d) San Marino Policy Letter "Standards of accommodation, recreational facilities, food, water and catering under the Maritime Labour Convention (MLC), 2006"
- e) San Marino Policy Letter "Principles of Minimum Safe Manning"
- f) San Marino Policy Letter "Hours of Work and Hours of Rest"
- g) San Marino Policy Letter SMPL-2022-MLC-003 "MLC Complaint Procedure"
- h) San Marino Policy Letter "Terms and Conditions for employment of seafarers under the Maritime Labour Convention (MLC), 2006"
- i) International Maritime Organisation IMO Resolution MSC.255(84), Casualty Investigation Code
- j) International Labour Organisation ILO, "Accident prevention on board ship at sea and in port" (2nd edition). Code of practice
- k) International Labour Organisation ILO, Guidelines for implementing the occupational safety and health provisions of the Maritime Labour Convention, 2006



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- l) International Maritime Organisation IMO, MSC-MEPC.2/Circ.3 5 June 2006, Guidelines on the basic elements of a shipboard occupational health and safety programme
- m) World Health Organisation WHO, International Medical Guide for Ships
- n) World Health Organisation WHO, Quantification Addendum, International Medical Guide for Ships
- o) International Maritime Organisation IMO, "Medical First Aid Guide for Use in Accidents Involving Dangerous Goods", 2010 edition (MFAG)
- p) International Telecommunications Union ITU, List IV- List of Coast Stations and Special Service Stations
- q) International Maritime Organisation, International Safety Management (ISM) Code

2. Application

This Policy Letter applies to all seafarers serving on board San Marino-registered vessels to which the Maritime Labour Convention, 2006, applies. Where applicable, provisions set forth in this Policy Letter shall be implemented in the Company's ISM Management System.

3. Health and safety protection and accident prevention

- 3.1 Shipowners shall take reasonable precautions to prevent occupational accidents, injuries, and diseases on board ships. Precautions shall include measures to reduce and prevent the risk of exposure to harmful levels of noise, vibration, other ambient factors, as well as chemical substances. Measures shall be implemented to reduce and prevent the risk of injury or disease arising from the use of equipment and machinery on board ships.
- 3.2 Shipowners shall adopt, effectively implement, and promote an occupational health and safety programme on board their ships, taking into account the ILO code of practice for accident prevention on board ship at sea and in port; the ILO guidelines for implementing occupational safety and health provisions of the Maritime Labour Convention, 2006; MSC-MEPC.2/Circ.3, Guidelines on the basic elements of a shipboard occupational health and safety programme; IMO Res. MEPC.255(84), Casualty Investigation Code; international guidance on eliminating shipboard harassment and bullying; any other international standards and guidelines and codes of practice on the following, but not limited to:



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- a) hazard identification and risk evaluation taking into account appropriate fleet statistical information and general accident and casualty statistical information;
- b) initial vessel orientation or familiarisation, covering the shipowner's safety policy, emergency procedures, access and egress, fire protection, job hazards, and information on hazardous materials before beginning work;
- c) periodic health and safety training and instruction of seafarers, including bringing to their attention information concerning particular hazards, which may include audio-visual material, display of posters, articles and periodicals;
- d) periodic safety inspections;
- e) reporting and correcting hazardous conditions and unsafe practices;
- f) investigation and reporting of on-board occupational accidents and injuries while ensuring the protection of seafarers' personal data;
- g) prevention of occupational accidents, injuries and diseases on board ship, and continuous improvement in occupational health and safety protection, involving seafarers' representatives and all other persons concerned in their implementation, taking account of preventive measures, including engineering and design control, substitution of processes and procedures and procedures for collective and individual tasks, and the use of personal protective equipment;
- h) fire-prevention and fire-fighting;
- i) handling anchors, chains and mooring lines;
- j) the effects of drugs and alcohol abuse and dependency;
- k) responding to accidents and emergencies;
- l) loading & unloading equipment;
- m) working on deck, below deck and in machinery spaces, including maintenance jobs;
- n) work involving electrical equipment, working at heights/overside, and in enclosed spaces;
- o) safe access to the ship;
- p) safe movement about the ship;
- q) dangerous cargo & ballast;
- r) HIV/AIDS protection and prevention; In general, prevention and protection from any pathogenic agent including but not limited to viruses, bacteria, fungus etc.;
- s) harassment and bullying; and



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- t) potentially hazardous work for young seafarers under the age of 18 years undertaken only under appropriate supervision and instruction.
- 3.3 In addition, the shipowner should ensure that the implications for health and safety are taken into account, particularly in the following areas:
- a) emergency and accident response;
 - b) the effects of drug and alcohol dependency;
 - c) HIV/AIDS protection and prevention; and
 - d) harassment and bullying
- 3.4 The following types of activities are potentially hazardous and likely to jeopardize seafarers' health and safety, especially of young seafarers under the age of 18 years. When assigning potentially hazardous work to young seafarers under the age of 18 years, the shipowner should pay consideration to such activities as, but not limited to:
- a) the lifting, moving, or carrying of heavy loads or objects;
 - b) entry into boilers, tanks, and cofferdams;
 - c) exposure to harmful noise and vibration levels;
 - d) operating hoisting and other power machinery and tools, or acting as signallers to operators of such equipment;
 - e) handling mooring or towlines or anchoring equipment;
 - f) rigging;
 - g) work aloft or on deck in heavy weather;
 - h) night-watch duties;
 - i) servicing of electrical equipment;
 - j) exposure to potentially harmful materials, or harmful physical agents such as dangerous or toxic substances and ionizing radiations;
 - k) the cleaning of catering machinery;
- 3.5 Ships with five or more seafarers shall establish a health and safety committee. Health and safety committee meetings shall be held at least once every month. Records shall be kept on the effectiveness of the health and safety programme for as long as necessary in light of their intended use. Shipowners shall ensure that the issues raised by the health and safety committee and safety inspections are addressed in a timely manner.
- 3.6 The shipowner shall define in the occupational health and safety programme:



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- a) The duties and responsibilities of the shipowner to comply with the health and safety policy and programme;
 - b) The duties and responsibilities of the master to comply with the health and safety policy and programme;
 - c) The duties and responsibilities of the master or a person designated by the master, or both, to take specific responsibility for the implementation of and compliance with the ship's health and safety policy and programme;
 - d) The duties and responsibilities of the seafarers to comply with the health and safety policy and programme; and
 - e) The authority of the appointed or elected safety representative to participate in meetings of the health and safety committee, to have access to all parts of the ship, to participate in investigation of accidents, incidents and near-misses, to have access to all necessary documentation, including investigation reports, past reports of health and safety committee meetings.
- 3.7 Shipowners conducting risk evaluation in relation to management of occupational health and safety shall refer to appropriate statistical information from their ships and to the statistics of injuries and deaths provided in the IMO GISIS portal.
- 3.8 The standards for health and safety protection and accident prevention on San Marino-registered ships are reviewed regularly by the Administration in consultation with the representatives of the shipowners' and seafarers' organizations to facilitate continuous improvement in occupational health and safety policies and programmes and to provide a safe occupational environment for seafarers on ships that fly its flag.
- 3.9 Shipowners shall report occupational accidents, injuries, and diseases.

4. Medical care on board ship and ashore

- 4.1 Shipowners shall ensure that seafarers working on board their ships have prompt access to the necessary medicine, medical equipment and facilities for diagnosis and treatment, and to medical and occupational health protection information and expertise, which is generally comparable to that provided to workers ashore.



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- 4.2 Shipowners shall ensure that seafarers are given the right to visit a qualified medical doctor or dentist without delay in ports of call, where practicable.
- 4.3 Shore-based medical facilities for treating seafarers should be adequate for the purposes. Measures should be taken to ensure that seafarers have access when in port to:
- (i) outpatient treatment for sickness and injury;
 - (ii) hospitalization when necessary; and
 - (iii) facilities for dental treatment, especially in cases of emergency.
- 4.4 Suitable measures should be taken to facilitate the treatment of seafarers suffering from disease. In particular, seafarers should be promptly admitted to clinics and hospitals ashore, without difficulty and irrespective of nationality or religious belief, and, whenever possible, arrangements should be made to ensure, when necessary, continuation of treatment to supplement the medical facilities available to them.
- 4.5 Health protection and medical care, including essential dental care, shall be provided free of charge to seafarers while the seafarer is on board ship or landed in a foreign port.
- 4.6 Shipowners shall adopt programmes of a preventive character such as health promotion and health education on board their ships.
- 4.7 Shipowners shall use the standard medical report form or forms provided for in the annex to the current edition of the WHO's International Medical Guide for ships, for use by the master and relevant medical personnel onshore and on board. Completed forms and their contents shall be kept confidential and only be used to facilitate the treatment of seafarers. Other medical report forms may be accepted provided the necessary information is included.
- 4.8 Every ship shall maintain a medical log for recording all medical treatment on board and ashore.
- 4.9 All ships shall carry a medicine chest and medical equipment that complies with the requirements in the current edition of the WHO's International Medical Guide for Ships and Quantification Addendum, in line with the number of persons on board and the nature and duration of the voyage. The Administration may accept a medicine chest and medical equipment that meets a similar national standard provided the inventories are effectively equivalent to the WHO standards.



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- 4.10 The Quantification Addendum contains recommended quantities, indications, and dosing for 55 medicines listed in the International Medical Guide for Ships. The quantities are based on three types of ships:
- (i) ocean-going ships with crews of 25-40 and no doctor (Category A);
 - (ii) coastal ships with crews of up to 25 that travel no more than 24 hours from a port of call (Category B); and
 - (iii) small boats and private craft with crews of 15 or less, and usually travelling no more than a few hours from a port of call (Category C).
- 4.11 The Quantification Addendum to the International Medical Guide for Ships provides essential guidance to all those who involved in the procurement, purchasing, stock maintenance and use of medicines to promote and protect the health of seafarers worldwide.
- 4.12 Every ship shall maintain a list of medicines and medical equipment carried on board. In addition, the master is required to maintain a register of controlled medicines and this register shall be maintained on board for a period of two years from the date of the last entry.
- 4.13 The medicines and medical equipment shall be inspected at regular intervals, not exceeding 12 months, by the designated medical officer on board or a pharmacist, who shall ensure that the quantities, labelling, expiry dates, and conditions of storage of all medicines and instructions for their use are checked, and all equipment is functioning as required.
- 4.14 All ships carrying 100 or more persons and ordinarily engaged on international voyages of more than 3 days duration shall carry a qualified medical doctor.
- 4.15 On ships which do not carry a medical doctor, there shall be at least one seafarer on board who is in charge of medical care and administering medicines as part of their regular duties or at least one seafarer on board competent to provide medical first aid; such persons shall have completed the relevant training required by the STCW Convention, as amended.
- 4.16 All ships shall carry on board the current edition of the WHO's International Medical Guide for Ships and Quantification Addendum. Ships carrying dangerous cargoes shall carry in addition the IMO's Medical First Aid Guide for Use in Accidents Involving Dangerous Goods (MFAG). Those ships carrying dangerous goods not listed in the most recent edition of the Medical First Aid Guide, shall carry material safety data sheets available for the specific cargoes.



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4.17 All ships shall carry a complete and up-to-date list of radio stations through which medical advice can be obtained, and, if equipped with a system of satellite communication, carry an up-to-date and complete list of coast earth stations through which medical advice can be obtained. Such publications shall include, but not be limited to:

- (i) the current editions of the ITU publication 'List IV-List of coast stations and special service stations';
- (ii) the 'Admiralty List of Radio Signals Vol.1; and the 'International Code of Signals'.

4.18 The seafarers responsible for medical care or first aid care should be instructed in the use of the current editions of the International Medical Guide, the medical section of the International Code of Signals and the radio/satellite communication system.

4.19 Disposal of medicines and medical supplies shall be regulated as follows.

- (i) Medicines and medical supplies shall be disposed of properly in accordance with all applicable local and national laws and regulations of the State in which disposal is occurring and any applicable international requirements. Expired non-controlled medicines and medical supplies should be returned to the supplier, where possible, or sent to an approved shore-side contractor for disposal. Should the above-described disposal be impossible, expired non-controlled medicines and medical supplies may be incinerated at sea as domestic waste (category C in accordance with MARPOL, Annex V). This shall only be allowed on board ships which have in place a written waste disposal procedure for incineration at appropriate temperatures by authorised personnel. Records of such incinerated non-controlled medicines and medical supplies shall be kept as part of the medical log.
- (ii) Expired controlled medicines and medical supplies are to be returned to a person who may lawfully supply them, such as a qualified medical practitioner or registered pharmacist; or
- (iii) disposed at sea through incineration as domestic waste (category C in accordance with MARPOL, Annex V).
- (iv) If the medicines are in ampoules, the ampoules should be first crushed in cloth before everything is incinerated. It should be noted that for the glass ampoules to evaporate



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the incinerator temperature should be between 850 degrees Celsius and 1100 degrees Celsius; or

- (v) disposed ashore after encapsulation in accordance with the requirements of the local authorities.

4.20 Whichever method of disposing of controlled medicines is utilized, all the following conditions shall be met:

- (i) the chosen method shall be properly implemented;
- (ii) the entire process from unpacking throughout the final destruction of the controlled medicine shall be witnessed by at least two persons; and
- (iii) the information (name/quantities/strength/expiry date) shall be written in the controlled medicines register and shall be signed by the master and the two witnesses after destruction.

5. Access to shore-based welfare facilities

Seafarers shall be granted shore leave, taking due account of the operational requirements of their positions, to access shore-based welfare facilities in territories different from San Marino.

6. Social security

The Administration shall ensure the implementation of the Maritime Labour Convention, 2006 requirements relating to social security protection for seafarers that are nationals or are resident or are otherwise domiciled in its territory. MLC Regulation 4.5 requires that social security protections include at least three of the following branches: medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit, complementing the protection provided for under MLC Regulation 4.1, on Medical care on board ship and ashore and Regulation 4.2, on shipowners' liability and under other titles of this Convention.

Shipowners that employ seafarers on board their ships that are from a country or territory that is not a party to MLC, 2006, must ensure the seafarers are provided with the health and social security protection benefits required under MLC Regulation 4.5 during the period of employment with the shipowner.



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The Convention provides for arrangements to be developed through bilateral and multilateral agreements or contribution-based systems, and through private insurance schemes or in CBA's or in a combination of these.

The seafarers' employment agreement or applicable CBA should identify how the various branches of social security protection will be provided to the seafarers as well as any other relevant information at the disposal of the ship owner, such as statutory deductions from the seafarers' wages and ship owners' contributions which may be made in accordance with the requirements of identified authorized bodies pursuant to relevant national social security schemes.

Where the seafarers' employment agreement or applicable CBA provides for any of the branches of social security through a mandatory contributory system, such contributions shall be made as required and properly recorded.

7. Shipowners' liability

- 7.1 Shipowners shall be liable to bear the costs for seafarers working on their ships in respect of:
- (i) Sickness and injury of the seafarers occurring between the date of commencing duty and the date upon which they are deemed duly repatriated, or arising from their employment between these dates; and
 - (ii) Sickness and injury while off the ship pursuant to an actual mission assigned to the seafarer, by the master or by the authority of the master.
- 7.2 Where the sickness or injury results in incapacity for work the shipowner shall be liable:
- (i) To pay full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with this Convention; and
 - (ii) To pay at least one-third of the basic wages from the time when the seafarers are repatriated or landed until their recovery.
- 7.3 San Marino limits the liability of the shipowner to pay one-third of the basic wages in respect of a seafarer no longer on board to a period which shall not be less than 16 weeks from the day of injury or the commencement of the sickness. However, this does not prohibit the seafarers' employment agreement or any applicable collective agreement from limiting the



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shipowners' liability to more favourable terms and conditions for the seafarers than those provided.

- 7.4 Information on the shipowner's liability to bear the costs in respect to seafarers' sickness and injury shall be reflected in the sea seafarers' employment agreement or any applicable collective agreement.
- 7.5 Shipowners shall provide annually to the Administration, evidence of financial security to assure compensation in the event of the death or long-term disability of seafarers due to an occupational injury, illness, or hazard. The seafarers' employment agreement or any applicable collective agreement shall contain information on the shipowners' liability to provide such compensation.
- 7.6 The contractual compensation, where set out in the seafarers' employment agreement and without prejudice to subparagraph 7.9, shall be paid in full and without delay.
- 7.7 There shall be no pressure to accept a payment lower than the contractual amount.
- 7.8 Where the nature of the long-term disability of a seafarer makes it difficult to assess the full compensation to which the seafarer may be entitled, an interim payment or payments shall be made to the seafarer so as to avoid undue hardship.
- 7.9 In accordance with MLC 2006 Regulation 4.2, paragraph 2, the seafarer shall receive payment without prejudice to other legal rights, but such payment may be offset by the shipowner against any damages resulting from any other claim made by the seafarer against the shipowner and arising from the same incident.
- 7.10 The claim for contractual compensation may be brought directly by the seafarer concerned, or their next of kin, or a representative of the seafarer or designated beneficiary.
- 7.11 As of January 18th, 2017, each ship shall carry on board a certificate or other documentary evidence of financial security issued by a financial security provider acceptable to the Administration. A copy shall be posted in a conspicuous place on board where it is available to the seafarers. Where more than one financial security provider provides cover, the document provided by each provider shall be carried on board.
- 7.12 Financial security shall not cease before the end of the period of validity unless the financial security provider has given prior notification of at least 30 days to the Administration.



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- 7.13 The financial security shall provide for the payment of all contractual claims covered by it which arise during the period for which the document is valid.
- 7.14 The certificate or other documentary evidence of financial security shall contain the information listed in Annex I. The documents shall be in English or accompanied by an English translation. The Administration may accept a certificate or other documentary evidence of financial security issued to the shipowner, which could be the owner, if the owner is the one on whose behalf financial security is provided by a financial security provider acceptable to the Administration. The Administration may also accept a certificate or other documentary evidence of financial security issued to the crewing manager by a financial security provider acceptable to the Administration, provided the Declaration of Maritime Labour Compliance (DMLC) Part I addresses measures which are substantially equivalent to these provisions, while ensuring that the shipowner implements these measures in the DMLC Part II.
- 7.15 Seafarers shall receive prior notification if a shipowner's financial security is to be cancelled or terminated.
- 7.16 The Administration shall be notified by the provider of the financial security if a shipowner's financial security is cancelled or terminated.
- 7.17 Parties to the payment of a contractual claim may use the Model Receipt and Release Form set out in the Annex II.
- 7.18 Shipowners shall be liable to defray the expense of medical care, including medical treatment and the supply of necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until there is a declaration of permanent incapacity. San Marino limits the liability of the shipowner to defray the expense of medical care and board and lodging to a period which shall not be less than 16 weeks, from the day of the injury or the commencement of the sickness. However, this does not prohibit the seafarers' employment agreement or any applicable collective agreement from limiting the shipowners' liability to more favourable conditions for the seafarers than those provided for above. The seafarers' employment agreement or any applicable collective agreement shall contain information on the shipowners' liability to defray these expenses.
- 7.19 Shipowners shall be liable to pay the cost of burial expenses in the case of death occurring on board or in the case of death occurring ashore, if at the time the seafarer was entitled to medical care and maintenance.



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7.20 San Marino excludes the shipowner from liability in the following circumstances:

- a) injury incurred otherwise than in the service of the ship;
- b) Injury or sickness which resulted from a wilful act, default or misconduct of the seafarer; injury or sickness which developed from a condition that was intentionally concealed from the shipowner (employer) at or prior to engagement under the Shipping Articles (seafarers' employment agreement);
- c) death due to a wilful act of the seafarer; death which developed directly from a condition that was intentionally concealed from the shipowner (employer) at or prior to his engagement under the Shipping Articles (seafarers' employment agreement);
- d) if the seafarer refused medical treatment for such sickness or injury or was denied such treatment because of misconduct or default;
- e) If at the time of engagement, the seafarer refused to be medically examined; or
- f) if death was caused directly by war or an act of war, declared or undeclared. But this clause shall not apply if at the time of the act the vessel had entered a known zone of international hostility for the purpose of trade.

7.21 Shipowners are exempted from the liability to defray the expense of medical care and board and lodging and burial expenses in so far as such liability is assumed by the public authorities.

7.22 Shipowners or their representatives shall take measures for safeguarding property left on board by sick, injured, or deceased seafarers and for returning it to their next of kin.



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Annex I

Evidence of financial security under MLC 2006 regulation 4.2

The certificate or other documentary evidence of financial security shall include the following information:

- a) name of the ship;
- b) port of registry of the ship;
- c) call sign of the ship;
- d) IMO number of the ship;
- e) name and address of the provider or providers of the financial security;
- f) contact details of the persons or entity responsible for handling seafarers' contractual claims;
- g) name of the shipowner/crewing manager on whose behalf financial security has been provided;
- h) period of validity of the financial security; and
- i) an attestation from the financial security provider that the financial security meets the requirements of Standard A4.2.1.



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Annex II

Model Receipt and Release Form

Ship (name, port of registry and IMO number):	
Incident (date and place):	
Seafarer/legal heir and/or dependant:	
Shipowner:	

I, *[Seafarer] [Seafarer's legal heir and/or dependant]* hereby acknowledge receipt of the sum of *[currency and amount]* in satisfaction of the Shipowner's obligation to pay contractual compensation for personal injury and/or death under the terms and conditions of *[my] [the Seafarer's]* employment and I hereby release the Shipowner from their obligations under the said terms and conditions.

The payment is made without admission of liability of any claims and is accepted without prejudice to *[my] [the Seafarer's legal heir and/or dependant's]* right to pursue any claim at law in respect of negligence, tort, breach of statutory duty or any other legal redress available and arising out of the above incident.

Place and date	
Signatory's Full Name	
Signatory's Denomination (Seafarer/legal heir and/or dependent)	
Signature	